

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NORFOLK COUNTY RETIREMENT SYSTEM)
and BROCKTON CONTRIBUTORY)
RETIREMENT SYSTEM, individually and on)
behalf of all others similarly situated,)

Plaintiff,)

v.)

DANIEL C. USTIAN, ROBERT C. LANNERT,)
MARK T. SCHWETSCHENAU, NAVISTAR)
INTERNATIONAL CORPORATION, and)
DELOITTE & TOUCHE LLP,)

Defendant.)

Case No. 07-cv-07014

Judge Robert W. Gettleman

Magistrate Judge Nan R. Nolan

**LEAD PLAINTIFFS' MOTION TO COMPEL PRODUCTION
OF DOCUMENTS FROM DEFENDANTS**

To: All Counsel of Record per attached
Certificate of Service

PLEASE TAKE NOTICE that on Wednesday, December 16, 2009, at 10:00 a.m., Lead Plaintiffs, Norfolk County Retirement System and Plumbers Local Union 519 Pension Trust, shall appear before the Honorable Nan R. Nolan, or any judge sitting in her stead, in Courtroom 1858 of the United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, Illinois and present this Motion to Compel Defendants to:

- a. Produce materials responsive to Document Request Nos. 3-36, 48, 52, 56 and 57 (documents related to loss causation issues), subject to the clarification in Lead Plaintiffs' November 24, 2009 letter, attached to the accompanying Memorandum of Law as Exhibit H;

- b. Produce materials responsive to Document Request Nos. 37 and 38 (documents requested by the SEC and produced by Defendants to the SEC); and
- c. Complete production of the documents Defendants have agreed to, but have failed to, produce (Defendants have agreed to produce documents responsive to Document Request Nos. 44, 45, 53, 54, 55, 59, 60 and 61).

In support of this Motion, Lead Plaintiffs submit the accompanying Memorandum of Law (with Exhibits).

LOCAL RULE 37.2: STATEMENT OF EFFORTS TO REACH AN ACCORD

In accordance with the requirements of Local Rule 37.2 of United States District Court for the Northern District of Illinois, counsel for Lead Plaintiffs has conferred on numerous occasions with counsel for Defendants, through in-person consultation, oral communications and written correspondence, in an attempt to resolve the subjects of this Motion (described more fully in the Memorandum of Law accompanying this Motion).

The Parties conducted two in-person consultations at the offices of Robinson Curley & Clayton, P.C., with some participants engaged telephonically. Counsel for each of the parties involved in this litigation, other than counsel for Deloitte & Touche USA LLP, were present. The first consultation occurred on October 15, 2009, on or about 1:30 p.m. CT. The second consultation occurred on November 17, 2009, on or about 3:00 p.m. CT. During these consultations, and after additional communications, counsel for the Parties were not able to resolve the subjects of this Motion by agreement.

Respectfully submitted,

**NORFOLK COUNTY RETIREMENT SYSTEM
AND PLUMBERS LOCAL UNION 519
PENSION TRUST**

Dated: December 9, 2009

/s/James A. Harrod
One of Their Attorneys

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Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Robert Plosky, an attorney, hereby certify that on December 9, 2009, I caused to be served on the following parties a copy of **Lead Plaintiffs' Notice of Motion To Compel Production of Documents**, through the Court's ECF system:

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